

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

KENNETH WAYNE SHAW, JR., #15934-078 §

VS. §

UNITED STATES OF AMERICA §

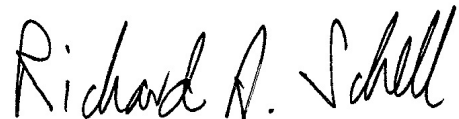
CIVIL ACTION NO. 4:18cv388
CRIMINAL ACTION NO. 4:08cr188(1)

ORDER OF DISMISSAL

The above-entitled and numbered civil action was referred to United States Magistrate Judge Kimberly C. Priest Johnson, who issued a Report and Recommendation concluding Movant should be resentenced according to *Johnson v. United States*, 135 S. Ct. 2551 (2015). The Report and Recommendation, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. No objections have been filed. After reviewing the Report, the court concludes the findings and conclusions of the Magistrate Judge are correct, and adopts the same as the findings and conclusions of the court.

It is accordingly **ORDERED** Movant's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Dkt. 1) pursuant to 28 U.S.C. § 2255 is **GRANTED**. The sentence imposed in Criminal Action Number 4:08cr188(1) is **VACATED**, and Movant shall be resentenced. All motions by either party not previously ruled upon are **DENIED**.

SIGNED this the 12th day of September, 2018.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE